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April 12, 1986

Greetings!

This will be our office's first newsletter and we hope it will be an informative messenger in regard to what is happening at the state level with issues involving Indian Country.

We will include any and all legislative happenings and also any other material deemed newsworthy. If you should have any conference information or tribal news that you would like to see included, just send it down to us and we will put it into our next issue.

Since "Council Signals" is a fledgling newsletter; we would appreciate any comments/criticism you may have in regard to content, etc. We feel that the name reflects the type of news items addressed in this paper. "Council" describes the meetings, etc. involving American Indian people and "signals" is the communication or news aspect involved.

We welcome any requests for agencies/organizations to be put on our mailing list for this newsletter. Please have interested parties send their address to our office and we will include them on our mailing list at that time.

Thank you,



DONALD L. CLAYBORN  
Coordinator of Indian Affairs

/cz



## LEGISLATIVE HAPPENINGS:

A special session of Montana's Legislature was held here in Helena on March 24-29, 1986. There were 10 major issues on the agenda to be discussed, but only hours after the session began, it was expanded to include several other bills.

The bill this office was most concerned with was HB 12, introduced by Representative Cal Winslow (R-Billings). This bill is entitled "An act requiring able-bodied recipients of general relief to enroll in a structured job search, training, and work program; amending sections 53-3-304 and 53-3-305, MCA; and providing an effective date."

The bill, as introduced, seemed to present some problems of jurisdiction between the state and the tribes. The bill was subsequently amended and much of the language that could have been interpreted as not being in the tribes best interest was removed or changed.

HB-12 only deals with state-assumed counties and there are 12 of them. They are: Cascade, Deer Lodge, Flathead, Lake, Lewis and Clark, Lincoln, Mineral, Missoula, Park, Powell, Ravalli, and Butte-Silver Bow. Therefore, at this time, the only reservation in Montana that will fall under the guidelines of HB-12 is the Confederated Salish and Kootenai reservation. The guidelines are as follows:

"Able-bodied recipients, in state-assumed counties, must participate in the program for at least six months or lose their benefits. Under the program, eligible people are involved with a five-week process that includes: job assessment to determine what jobs a person might hold, depending on past education and training; an employability plan to decide what training and skills a person needs to become employable; remedial education and job-skills training, if necessary. This could involve referral to adult basic education or vo-tech courses; job readiness work, which includes self-assessment tests, occupational testing, interview preparation, and advice on filling out applications and resumes. The final step in the process requires a welfare recipient to spend at least eight hour per week searching for a job. Until a job is found, a person must continue the remaining 32 hours per week in the training and education programs.

Once a job is found, a person must work a minimum of 63 hours per month to earn the \$212.00 welfare payment at the minimum-wage rate of \$3.35/hour. They still must spend another 97 hours per month in the program's other activities. The program will be funded with part of a \$3.6 million appropriation from the special session to cover the increased general-assistance caseload. The money will be available as the program finds jobs for people and removes them from welfare.

The first to be served will be those who just moved to a county or the state, or a county resident entering the welfare rolls for the first time. After that, the programs will target those who are most employable." (Billings Gazette - April 6, 1986)

A very faint, large watermark-like image of a historical document or map occupies the background of the page. It appears to be a grid-based chart or map, possibly related to the content of the document being digitized.

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HB-12 affects the remaining 44 counties only by expanding their existing jobs program so that the counties have more of a job-placement area to work with. The old language only allowed the county to use agencies connected to the county for job placement, but that has been amended to read "a public agency or a private non-profit agency". The county or the state now has greater latitude in seeking job-placement.

It is important to note that although only the Flathead reservation is now included within the boundaries of a state-assumed county, any county may at any time request to be state-assumed. Although it is usually requested out of necessity due to a lack of funds, the state does not require by law that the county give evidence to that effect.

This program is one that the tribes may want to keep an eye on. It is possible that the tribal governments/agencies and the BIA may be included under the title of "public agency" and, as such, be allowed to use the services of a person enrolled in the job training program. The state will make a determination for the state-assumed counties, but it will be up to the individual counties to make their own decision regarding their definition of "public agency" in those counties which are not state-assumed.

NOTE: Representative Winslow also introduced a bill which would have permitted the Legislature to allow limits on welfare. This bill did not pass, however. It is Winslow's intention to offer this amendment as a constitutional initiative. The Legislature had previously tried to cut off welfare benefits to able-bodied childless people under age 35 and restrict benefits for people aged 35-49. The Montana Supreme Court disallowed this practice, so Winslow feels that this amendment is the only way the Legislature can make those determinations in restricting welfare benefits. Petitions supporting this initiative must be submitted to the state by June 28, 1986 in order to be considered.

#### EXXON PAYMENT:

As you are all probably aware, Exxon overcharged several states (including Montana) by charging new oil prices on old oil. They have since remitted payment back to these states. Montana's share of the Exxon overcharge payment was originally set at approximately \$8.6 million dollars, but it has since accumulated interest and, at the time when it will be distributed to the state, Montana's share will have become approximately \$10.2 million. Montana's tribes are eligible to receive a portion of this payment, NOT on a per capita basis, but as tribal programs falling under LIEAP and weatherization. The decision as to how this money will be allocated will be determined in the January session of Montana's Legislature.

#### JUNE SPECIAL SESSION:

Governor Ted Schwinden has set the date for a special session on June 16, 1986. His intention is to deal with a state budget deficit, so it would appear that cuts are going to be made at this time. It is,



therefore, of great importance that the tribes determine their priorities so that their interests can be represented at the June special session.

We would like to hear from you soon in regard to the aforementioned special session, so that we may have ample time to prepare for it. Any brainstorming you may be able to do in regard to drafting legislation is requested.

#### WATER RIGHTS

U.S. District Judge Paul Hatfield dismissed a suit filed in 1983 by the Blackfeet Tribe in which it sought to prevent the two federal departments (U.S. Interior Department and Justice Department) from taking future action on tribal water rights. The suit also sought a similar injunction against state water courts, the state attorney general's office and the Montana Department of Natural Resources and Conservation.

Hatfield said the conflict-of-interest issue involving the federal departments has been raised and rejected at least twice in previous cases in other states. Hatfield stated, "Tribes can best protect their interests, and assure that zealous representation does not yield to conflicts of interest, by taking an active role in the state court proceedings instituted on their behalf."

In another case, the state of Montana sued the Confederated Salish and Kootenai Tribes. The Montana Supreme Court held last Dec. 18 that the state water court "was not prohibited from exercising jurisdiction over Indian reserved water rights, and that the Montana Water Use Act was, on its face, adequate to adjudicate Indian reserved water rights."

The White Mountain Apache tribe has appealed a case, which addresses the same issue brought up by the Blackfeet, to the U.S. Supreme Court. The issues discussed in this case will then be watched very closely by the Blackfeet and all of Indian country.

#### FEDERAL LEGISLATION:

The House Appropriations Committee has proposed a 1986 supplemental appropriations bill which includes \$31.4 million for the Bureau of Indian Affairs. This amount would provide \$25 million to repay funds borrowed from the construction account to pay for the prevention, and suppression of fires on Indian reservation forest and range lands. It also restores \$4.9 million cut from the Indian Child Welfare Act grants program to meet Gramm-Rudman deficit reduction requirements. Finally, the supplement would provide \$1.5 million "to be paid into a Treaty Waters Fisheries Management Fund, the interest from which will be available for management operational costs of the Chippewa-Ottawa Treaty Fishery Management Authority." A vote on the supplemental appropriation



is expected in the House shortly after the Easter recess and then the bill will go to the Senate for action.

NOTE: After calling Washington, D.C. on this bill, we were informed that the determination would be made in the House on April 16 or 17. If it fairs well, it will then pass to the Senate. It is possible that it may be joined with the Contra-aid bill before going to the Senate. This would cause both issues to be considered as one, and possibly give the supplemental appropriations bill a better chance of moving forward in the Senate.

#### INFORMAL REPORT SHOWS GOVERNMENT PROVIDING \$2.6 BILLION FOR INDIANS IN 1986.

The federal funding of Indian programs is expected to reach a nine-year low of \$2.4 billion in 1987, according to an informal survey of federal agencies. The figures are described as "not authoritative and not necessarily comparable from year to year." They show total federal funding for Indian programs exceeding \$3 billion in 1980 and again in 1984. Budget authority for Indian programs in 1985 was just under \$3 billion; 1986 authority, incorporating the Gramm-Rudman deficit reduction cuts, was \$2.6 billion. The report includes Indian program funding from the Departments of Agriculture, Commerce, Education, Energy, Health and Human Services, Housing and Urban Development, Interior, Labor, Transportation, Treasury, Environmental Protection Agency and the Small Business Administration. According to this report, the federal government is spending \$3,497 per capita on Indian programs in 1986. (Indian News Notes, Vol. 10, No. 13)

#### HAPPENINGS AT THE COORDINATOR OF INDIAN AFFAIRS

##### NEW STAFF MEMBER

The Office of the Coordinator of Indian Affairs filled the position of Administrative Assistant vacated by Gary Kimble in January. The person hired was Cheryle Cobell Zwang. Cheryle is a Blackfeet Indian from Browning, Montana. She received her Bachelor's degree from Montana State University in Bozeman, Montana in June of 1983. She graduated with a double major in English and Speech Communication, with a minor in Health.

Cheryle, also known as "Cookie", enjoys downhill skiing, hiking, camping, and fishing. She also likes to photograph wildlife and scenery.

We welcome her to our office and wish her the best.



## INDIAN CHILD WELFARE ACT CONFERENCE

The Office of the Coordinator of Indian Affairs and the Bureau of Indian Affairs Area Director's Office co-sponsored a conference on the Indian Child Welfare Act in Billings on March 18-20, 1986. Conference participants included representatives from the Bureau of Indian Affairs, all seven reservations, county social workers, personnel from the Montana's Dept. of Social and Rehabilitation Services, the Attorney General's office, Montana's urban Indian alliances, tribal court judges, Havre's district court, Senator Melcher's office, state legal services, the Montana Inter-tribal Policy Board, and this office.

The goal of the conference was to increase participant knowledge of the Indian Child Welfare Act and open up channels of communication between the tribes, the BIA, the state, and the county. Past experience testifies to the lack of coordination between these agencies, and it is the Indian children who suffer as a direct result. Participant comments about the conference lead us to believe that a great deal was accomplished in regard to movement in that direction. Contacts were established, communication lines were opened, and objectives were defined.

The Cooperative Agreements Act was also discussed as a possible vehicle to resolve present conflicts involved in dealing with the Indian Child Welfare Act. Several tribes are preparing to work toward some type of cooperative agreement dealing with Indian child welfare services.

Our office is in the process of putting together a directory for Indian child welfare. We had originally intended to send out a listing of conference participants with their addresses, but we decided to take it one step further. Cheryle has been contacting various agencies and the directory will include not only conference participants, but also complete listings of tribal court judges, district court judges, initial contact people for each reservation, urban Indian alliances, tribal health directors, county attorneys, county commissioners, all of Montana's state agencies, BIA superintendent's and the area director's office, state social services, and Montana's state senators and representatives. We hope to have it printed and bound within the next two weeks and we will be mailing it to all conference participants and others on our mailing list.

We hope the directory will serve as a useful resource tool in your work with Indian children.

## 5TH ANNUAL MIEA CONVENTION

Approximately 400 participants attended the Montana Indian Education Association 5th Annual convention which was held on April 3 and 4, 1986 at the Missoula Sheraton. The convention featured several nationally recognized speakers and presenters as well as many notable Motnana educators. Dr. Anselm Davis, President of the National Indian Education Association, and Dr. Henrietta Whiteman, Director of Education for the Bureau of Indian Affairs, delivered the keynote addresses during



the two-day program. Both speakers gave insights into their responsibilities in leading two of the major Indian education efforts in this country, while speaking generally about the convention theme "Strategies for Success in Indian Education".

Dr. Joseph McDonald, President of Salish Kootenai College, shared the evening speaking responsibilities at the banquet with Senator John Melcher and Ann Swan, a senior at Havre High School.

In addition to four \$400 scholarships, MIEA presented several special awards including teacher of the year, paraprofessional of the year, parent of the year, and special contributions to Indian education.

At the conclusion of convention activities, Karen Cornelius Fenton, outgoing president of the Association, turned the leadership responsibilities over to the president-elect, Loren "Bum" Stiffarm. Mr. Stiffarm will head the organization this year with new board members, Luanne Belcourt, Rhonda Lankford, Sybil Sangrey, Ivan Small and Annette Sutherland joining Avis Three Irons, Peggy Nagel and Karen Fenton who will remain from last year's board.

#### INTERTRIBAL POLICY BOARD MEETING

Montana's Intertribal Policy Board held their monthly meeting in conjunction with the Indian Education Conference in Missoula, Montana on April 3, 1986. Louie Clayborn informed the board about the status of the Exxon overcharge payment and HB-12. He also answered questions as to the effect or relationship of both to the tribes. The board was notified that the Montana Legislature's special session has been set for June and that the tribes need to start gearing toward that.

#### INDIAN ARTISTS DISPLAY WORK AT MISSOULA SHERATON

Coyote, an organization of Native American artists, had a showing of various modes of artwork during the conference at the Missoula Sheraton. Many beautiful pieces of artwork, including jewelry, were displayed. We have many talented Indian artists in our midst and it was nice to see them receive recognition for their efforts.

#### MIADS POW-WOW

Missoula Indian Alcohol and Drug Service organized a pow-wow on April 4-5, 1986 in conjunction with the Indian Education conference and they sponsored an Indian taco feed on April 3rd. MIADS also held a raffle of several handmade items, as well as a small television. Cheryle was the lucky recipient of a satin star quilt!

#### UPCOMING EVENTS:

HOLISTIC DEVELOPMENT FOR POSITIVE FAMILY AND COMMUNITY RELATIONSHIPS - April 29, 30, May 1, 1986 at the University of Montana's University Center. For further information contact the Missoula Indian Alcohol and Drug Service at 721-2700.



1986 INDIAN EDUCATION CONFERENCE - Saturday, April 26, 1986, 8 a.m. Eastern Montana College Library, Room #231, Billings, Montana Entitled, "Native American Law and the Political Economy of Indian Education"

COLORADO INDIAN MARKET ART ENTRIES - If you are a Native American artist and a leader in your art form, send for entry information and application forms to: Sixth Colorado Indian Market, P.O. Box 3006, Boulder, CO 80308-3006. The rendezvous is scheduled for July 3,4,5, and 6 in Boulder, Colorado.

TRADITIONAL INDIAN MEDICINE - An Advanced Exploration of Traditional Indian Medicine in Today's Health Care System. May 3-9, 1986. Hilton Inn, 1601 Miracle Mile, Tucson, Arizona 85705. Contact St. Mary's Hospital and Health Center, 1601 West St. Mary's Road, Tucson, Arizona 85745.

NATIONAL INDIAN CHILD WELFARE TRAINING CONFERENCE - June 10-12, 1986 in Oklahoma City, OK. Contact Three Feathers Associates Convention Center- Toll free 800/525-3587 or 303/357-2077.

TAXATION AND INDIAN AFFAIRS - A seminar concerning tribes and their sovereign power to tax. May 28-30, 1986 at the Sheraton Denver Tech Center in Denver, CO. For further information call the Institute for Indian Development at (303) 692-6580.

FOURTH ANNUAL INDIAN GAMING CONFERENCE - April 29-May 1, 1986 in Las Vegas, Nevada. For further information, contact Linda S. McFarlin at Educational Services Institute at 703/379-2900.

UNIVERSITY OF MONTANA'S 18th ANNUAL KYI-YO YOUTH CONFERENCE - May 1-3, 1986 in Missoula, Montana. For further information, call 406/243-2703.

MONTANA STATE UNIVERSITY'S POW-WOW - May 9-10, 1986 in Bozeman, Montana at the Brick-Breeden Fieldhouse. For further information, call Native American Studies at 994-3751.

A CELEBRATION OF NATIVE CULTURES: NATIVE AMERICANS IN THE ARTS AND SCIENCES - May 5-10, 1986 at Montana State University in Bozeman, Montana. For further information contact Mary Lukin at 994-4541 or Bobby Wright at 994-4759.

FOURTH ANNUAL NATIONAL AMERICAN INDIAN CONFERENCE ON CHILD ABUSE AND NEGLECT - May 5-7, 1986 in Denver, Colorado. For further information contact the American Indian Institute at 405/325-1448.



TAXATION FOR INDIANS : POWERS, EXEMPTIONS, AND IMMUNITIES - April 29 to May 1, 1986 in Phoenix, Arizona. For further information contact Linda S. McFarlin of Educational Services Institute at (703) 379-2900.

INDIAN SELF-DETERMINATION - A comprehensive course for BIA, IHS, and tribal personnel who need up-to-date information on P.L. 93-638 (The Indian Self-Determination Act). April 15-17, 1986 in Reno, Nevada. Contact Educational Services Institute at 703/379-2900.

CUTBACK MANAGEMENT - April 23-24, 1986 in Albuquerque, NM. Provides managers with knowledge and strategies for redirecting limited resources to achieve tribal goals. Contact Educational Services Institute at 703/379-2900.

